

# FLORIDA PROBATE TIMELINES

TYPE OF FILING	DEADLINES	AUTHORITY
Tenant in Common Election	6 months from DOD	F.S. 723.401
Filing Original Will	10 days from knowledge of death	F.S. 732.901
To object to will, PR or Jurisdiction	20 days from Service of Formal Notice Or 3 months from service of NOA	Pr. R. 5.040(a); Pr. R. 5.200; Pr. R. 5.201; F.S. 733.212  F.S. 733.212(3); Pr. R. 5.240
Filing Inventory	60 days issuance of Letters	Pr. R. 5.340
Filing Petition for Exempt Property	4 months from service of NOA Or 40 days after termination of proceeding for will contest or will construction	F.S. 732.402; Pr. R. 5.406  F.S. 732.402
Filing Election for Elective Share	Earlier of 6 months from service of NOA; or 2 years from DOD	F.S. 732.2135
Filing for \$18,000 Family Allowance	Any time during administration	F.S. 732.403; Pr. R. 5.407
Filing Election for Community Property	Within 3 months of service of NOA on surviving spouse;	F.S. 732.221; F.S. 732.333
Filing a Creditor Claim; or PR's proof of claim	Later of 3 months after 1 <sup>st</sup> publication of NTC; or 30 days after service of NTC; All claims barred after 2 years	F.S. 733.702 (extension only upon motion to extend); Pr. R. 5.490; Pr. R. 5.498  F.S. 733.710
To Object to a Claim	Later of 4 months after publication of NTC; or 30 days from timely filing of claim	F.S. 733.705 (extension by court only upon motion for good cause); Pr. R. 5.496 (Objection must be served within 10 days of filing) Pr. R. 5.499
To File independent action on claim or declaratory action	30 days from service of objection	F.S. 733.705(5) (PR Must agree in writing to an extension)
To file Proof of Publication	Must be filed with court within 45 days of 1 <sup>st</sup> publication	Pr. R. 5.241(c)
Statement re: Creditors	Must be filed within 4 months from date of 1 <sup>st</sup> publication	Pr. R. 5.241(d)
Affidavit of No FL Estate Tax Due	12 months from LOA (nontaxable)	
Final Accounting	12 months from LOA (nontaxable)	Pr. R. 5.400
Petition for Discharge	12 months from LOA (nontaxable)	Pr. R. 5.400
Objection to Final Accounting and Petition for Discharge/ Interim Accounting	30 days from service of Notice	Pr. R. 5.401
NOH on Objection to Final Accounting or Petition for Discharge	NOH must be served within 90 days of Objection or they are waived	Pr. R. 5.401